

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MEGAN ROBINSON

PLAINTIFF

VS.

CIVIL ACTION NO. 4:17CV-023-DMB-JMV

**BOLIVAR COUNTY, MISSISSIPPI; and
DEPUTY CLINTON ALEXANDER, in his individual
Capacity**

DEFENDANTS

ANSWER OF BOLIVAR COUNTY, MISSISSIPPI

COMES NOW Bolivar County, Mississippi (“Defendant”), and files its Answer to the Complaint, and would state and allege as follows:

FIRST DEFENSE

The Complaint fails to state a cause of action against the Defendant upon which relief may be granted and therefore should be dismissed at cost to the Plaintiff.

SECOND DEFENSE

Defendant is absolutely immune from punitive damages liability for all claims brought pursuant to 42 U.S.C. § 1983.

THIRD DEFENSE

The Defendant is immune from suit pursuant to the Mississippi Tort Claims Act (“MTCA”), Miss. Code Ann. § 11-46-1 et seq. The Defendant raises all applicable defenses available to it under the MTCA.

FOURTH DEFENSE

The Defendant asserts that the injuries or damages alleged in Plaintiffs' Complaint were caused or contributed to by the acts or omissions of others, for whose acts the Defendant has no liability.

FIFTH DEFENSE

The Defendant asserts that the injuries or damages alleged in Plaintiffs' Complaint were caused or contributed to by independent, intervening or superseding acts or omissions of others for whose acts the Defendant has no liability.

SIXTH DEFENSE

The Defendant asserts that the damages alleged in Plaintiffs' Complaint were caused, solely or in part, by the acts or omissions of others, for whom Defendant has no liability, thus reducing any recovery against said Defendant pursuant to Miss. Code Ann. § 85-5-7 (1972), as amended.

SEVENTH DEFENSE

The Defendant invokes all applicable provisions and defenses contained in the *Mississippi Litigation and Accountability Act* and Rule 11 of the *Mississippi Rules of Civil Procedure*, and puts Plaintiffs on notice of its intention to seek attorney's fees and costs related to the defense of this frivolous matter.

EIGHTH DEFENSE

And now, answering the allegations of the Complaint, paragraph by paragraph, Defendant responds and allege as follows:

1.

The allegations in paragraphs 1-3 of the Complaint are admitted.

2.

The allegations in paragraph 4 are denied, except that it is admitted that the Defendant Clinton Alexander is a former jailor for the Bolivar County Jail and the Bolivar County Correctional Facility.

3.

The allegations contained in paragraphs 5-14 are denied, except it is admitted that a rape kit was performed at the Bolivar County Hospital and sent for analysis at the Mississippi Forensics Laboratory in Batesville, MS, AKA “the crime lab.”

4.

The allegations contained in paragraphs 15- 17 are denied.

5.

With regard to the allegations contained in the Prayer for Relief, the Defendant denies that the Plaintiff is entitled to the relief requested. The Plaintiff is entitled to recover nothing from the Defendants.

WHEREFORE, PREMISES CONSIDERED, Defendant denies each and every allegation of liability and respectfully requests that this court dismiss this action at cost to the Plaintiff and award Defendant their reasonable costs and attorney’s fees incurred in the defense of this matter. The Defendants would also request any other relief which the court may find warranted in the premises.

Respectfully submitted, this the 21st day of March, 2017.

CLAYTON O’DONNELL, PLLC
1300 Access Road, Suite 200
P.O. Drawer 676

Oxford, MS 38655
Telephone: (662) 234-0900
Facsimile: (662) 234-3557

s/ S. Ray Hill, III

S. RAY HILL, III, MSB# 100088
rhill@claytonodonnell.com

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification to all counsel of record.

s/ S. Ray Hill, III

S. RAY HILL, III, MSB# 100088